

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-22580 – APPLICANT/OWNER: RICHARD AND MARQUERITTE HUNTER

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Plot Plan Review [Z-17-90(7)] if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a 1,164 square foot Habitable Accessory Structure, Class I, at 9401 Kings Gate Court. The applicant states the proposed Habitable Accessory Structure includes a kitchen and will be used mainly for housekeeping help (domestic employees). A letter of approval from the Queensridge Owners Association was provided by the applicant.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/14/1995	The Planning Commission approved a request for a Plot Plan Review [Z-17-90(7)] for proposed 44 detached single-family dwellings on property located north of Charleston Boulevard, east and west of Palace Court. Staff recommended approval.
12/01/2005	The Planning Commission approved a Variance (VAR-9270) to allow a 17 foot front yard setback where 20 feet is required for a proposed porte cochere on 1.23 acres at 9401 Kings Gate Court.
07/26/2007	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #5/lhm).
<i>Related Building Permits/Business Licenses</i>	
06/17/2003	A building permit (R-224-01) was issued for a porte cochere. Said permit expired on 12/20/03. The permit should not have been issued, as the proposed addition did not meet the setbacks applicable to the site.
<i>Pre-Application Meeting</i>	
3/12/2007	Discussion of location of casita; submittal requirements.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.23

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	ML(Medium Low Density)	R-PD7 (Residential Planned Development – 7 Units Per Acre)
North	Single Family Residential	ML(Medium Low Density)	R-PD7 (Residential Planned Development – 7 Units Per Acre)

South	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units Per Acre)
East	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units Per Acre)
West	Vacant Lot	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units Per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Z-17-90(7) condition two, the following Development Standards apply.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
• Front	20 Feet	17 Feet*	Y
• Side	5 Feet	10 Feet	Y
• Corner	10 Feet	N/A	N/A
• Rear	15 Feet	40 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	N/A	N/A	N/A

*The 17-foot front yard setback was approved for the porte cochere per the Variance (VAR-9270).

ANALYSIS

The project request for a Special Use Permit is for the construction and use of a Habitable Accessory Structure on a residential lot within the Queensridge Residential Subdivision, located at 9401 Kings Gate Court. Placement of the Habitable Accessory Structure will be within the side yard of a 1.23 acre single family lot.

- **General Plan and Zoning**

The project parcel is zoned R-PD7 (Residential Planned Development – 7 units per acre) which is consistent with the General Plan PD (Planned Development) land use designation. Accessory structures are an allowable use with a Special Use Permit subject to Title 19.04 and 19.08 regulations.

Pursuant to Title 19.04.040 a Special Use Permit is required to allow a Habitable Accessory Structure on a residential lot. A Habitable Accessory Structure is described as a structure which is located on the same residential parcel as the principal dwelling and which, as an ancillary use, provides living quarters for the occupants of the principal dwelling or their temporary guests, tenants or domestic employees.

- **Minimum Special Use Permit Requirements**

1. The size of the lot of parcel must exceed 6500 square feet.
2. Unless the principal dwelling is owner-occupied, a habitable accessory structure may not be offered or occupied as a rental unit.
3. A habitable accessory structure may contain one kitchen but otherwise must comply with all the provisions of Section 19.08.040.
4. On-Site Parking Requirement: One additional on-site parking space must be provided beyond the number of spaces normally required.

This application meets the above conditions.

- **Site Plan and Elevation**

The proposed Habitable Accessory Structure will consist of 1,164 square foot of living space at a height of approximately 15 feet. It will be constructed within the side yard of a 1.24 acre single family lot. The primary one-story dwelling is 15,802 square feet in size. Additionally, one additional parking space will be provided on site. The new habitable structure will meet all Title 19.08 accessory structure regulations including height limitations, setbacks, and parking. The structure is designed utilizing a ranch architectural design with exterior colors complementing the existing structure and surrounding residences.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Habitable Accessory Structure (casita) use will not adversely affect the current or future surrounding uses in this single-family development.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The Habitable Accessory Structure (casita) is located in the side yard of an existing single-family lot and meets all the required setbacks. Therefore the site is physically suitable for this use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The Habitable Accessory Structure (casita) is located on an existing single-family lot and will not affect the adjacent roadways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The building will be subject to inspection prior to occupancy, therefore, the Habitable Accessory Structure (casita), will not compromise the public health, safety and welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The Habitable Accessory Structure (casita), as proposed, meets the conditional use requirements for use per 19.04.

PLANNING COMMISSION ACTION

A requirement to file a covenant with the county recorder ensuring maintenance of conditions of 19.04.040 would be in order.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 70 by City Clerk

APPROVALS 0

PROTESTS 0